

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

In Re: TRENT DWIGHT FORD	)	Chapter 7
AND JILL NICOLE FORD,	)	
Debtors.	)	Case No. 21-10574 SAH
	)	

**MOTION TO EXTEND TIME FOR POTENTIAL FILING OF COMPLAINT TO  
DETERMINE DISCHARGEABILITY OF A DEBT, NOTICE OPPORTUNITY FOR  
HEARING AND BRIEF IN SUPPORT**

Robert J. Troester, Acting United States Attorney for the Western District of Oklahoma, through Kay Sewell, Assistant United States Attorney, attorney of record for the United States of America, ex rel., Small Business Administration (SBA) (“Movant”) hereby asks this court, pursuant to Fed. R. Bankr. P. 4007(c), to extend the time for it to potentially file a complaint to determine the dischargeability of debts owed by Oliver and Olivia Children Apparel, Inc. which may also be owing by Jill and Trent Ford pursuant to 11 U.S.C. § 523. In support of this request for relief, Movant states:

1. On April 7, 2020 Oliver and Olivia Children Apparel, Inc. was approved for a Paycheck Protection Program (“PPP”) loan in the amount of \$97,300 through MidFirst Bank, guaranteed by the Small Business Administration.
2. On May 15, 2020 Oliver and Olivia Children Apparel, Inc. was approved for a COVID-19 Economic Injury Disaster Loan (“EIDL”) in the amount of \$150,000.00 guaranteed by the Small Business Administration.
3. On January 18, 2021 Oliver and Olivia Children Apparel, Inc. was approved for a Paycheck Protection Program Second Draw (“PPP2”) loan through The Citizens Bank

of Edmond in the amount of \$174,543.30 guaranteed by the Small Business Administration.

4. Jill and Trent Ford are owners of Oliver and Olivia Children Apparel, Inc.

5. The Small Business Administration will need to take an 11 U.S.C. Sec., 2004 examination of Trent and Jill Ford as principals of Oliver and Olivia Children Apparel, Inc. (Bk No. 21-10572) in order to determine if there is evidence of misuse of the funds borrowed by Oliver and Olivia Children Apparel, Inc.

6. Debtor Oliver and Olivia Children Apparel, Inc. supplied an application for the loan and stated an intended use of the proceeds. It is unknown at this time if the Debtor Oliver an Olivia Children Apparel, Inc. properly used the funds or directed the same to principals Trent and Jill Ford for their personal use.

7. On February 25, 2021, Printed Tees Shirt Company was incorporated by one or both of the Debtors. Said company may be using the equipment pledged by Oliver and Olivia Children Apparel, Inc. to the SBA. Oliver and Olivia Children Apparel, Inc. appear to still be selling items on Amazon.

8. The Movant will be filing for a motion for an order to authorize an examination on debtor Jill and Trent Ford and Oliver and Olivia Children Apparel, Inc. Another creditor has moved for an examination. The United States will ask to be a part of said examination if all parties are agreeable. If it is not practicable for the SBA to be included in the other creditors' examination, the SBA will apply to this Court to take its own examination.

9. The current non-dischargeability deadline is June 14, 2021. Movant is analyzing the facts and the law to determine if it has a viable, non-dischargeability claim against debtors Jill Ford and Trent Ford under 11 U.S.C. § 523(a)(2). Movant needs

additional time to complete its review and analysis of the requested 2004 examination documents, to conduct the 2004 examinations, obtain and review the transcript, and determine how to proceed. The SBA is in need of additional time to complete its investigation of the use of the proceeds from the loan. Good cause exists to extend the section 523(a) non-dischargeability deadline for Movant.

10. With respect to a complaint filed pursuant to § 523(c)(1), Fed. R. Bankr. P. 4007(c) provides that:

**(c) Time for filing complaint under §523(c) in a chapter 7 liquidation, chapter 11 reorganization, chapter 12 family farmer's debt adjustment case, or chapter 13 individual's debt adjustment case; notice of time fixed.**

Except as otherwise provided in subdivision (d), a complaint to determine the dischargeability of a debt under § 523(c) shall be filed no later than 60 days after the first date set for the meeting of creditors held under § 341(a). The court shall give all creditors no less than 30 days' notice of the time so fixed in the manner provided in Rule 2002. On motion of a party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision. The motion shall be filed before the time has expired.

Fed. R. Bankr. P. 4007(c)(emphasis added).

11. The United States believes it has set forth reasons to extend the current deadline for the potential filing of a Complaint. Movant submits that the deadline should be extended for 60 days from their current June 14, 2021 deadline, to and through August 14, 2021.

12. The SBA has not previously requested an extension of any deadlines.

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document.** If you do not

want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney and the chapter 7 trustee [and any others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 14-day period includes the three (3) days allowed for mailing provided for in Fed. R. Bankr. P. 9006(f).

### CONCLUSION

The SBA moves this Court for an Order extending the deadline for the potential filing of an adversary complaint through August 14, 2021 to determine the discharge ability of owed to the SBA.

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**CERTIFICATE OF SERVICE**

X I hereby certify that on May 26, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of Court will transmit a notice of Electronic Filing to the ECF registrants in this case, including:

Jerry D. Brown  
[jdbrownpc@sbcglobal.net](mailto:jdbrownpc@sbcglobal.net)  
Attorney for Debtors

Marjorie J. Creasey  
Office of the United States Trustee  
[Marjorie.Creasey@usdoj.gov](mailto:Marjorie.Creasey@usdoj.gov)

Lyle R. Nelson  
Chapter 7 Trustee  
[lyle@lylenelsonlaw.com](mailto:lyle@lylenelsonlaw.com)

And upon all other entities as listed in the CM/ECF system at the time of filing.

Notice by first class mail has been sent to the following recipients:

Trent Dwight Ford  
Jill Nicole Ford  
16813 Little Leaf Lane  
Edmond, OK. 73012

s/Kay Sewell  
Kay Sewell, OBA No. 10778  
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